

**Notice of Allowability**

Application No.

10/728,487

Examiner

Hong C. Kim

Applicant(s)

KLINE, CHRISTOPHER N.

Art Unit

2185

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/15/06.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 7/14/06.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **Detailed Action**

1. Claims 1-14 are presented for examination. This office action is in response to the amendment filed on 06/15/2006.

### ***Specification***

2. Applicants are requested to update the status of the related U.S. patent application, accordingly (e.g., U.S. Patent Application Serial No. #####, filed Sept. 07, 1990, now abandoned; ..., now U.S. Patent #,###,### issued Jan. 01, 1994; or This application is a continuation of Serial Number #####, filed on December 01, 1990, now abandoned; ...etc.). Also applicants are requested to include the status of the related U.S. applications or patents in the CROSS-REFERENCE TO RELATED APPLICATIONS section and in any other corresponding area in the specification, if any.

### ***Information Disclosure Statement***

3. Applicants are reminded of the duty to disclose information under 37 CFR 1.56.

### ***Drawings***

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because a reference number -14— is missing for a black box “screen” in Fig. 1; “BACK” should be changed to -BACKUP—in Ref. 34, Fig. 1; and a label for Ref. 24 is missing in Fig. 1. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### **REASONS for ALLOWANCE**

The following is an Examiner's statement of reasons for the indication of allowable subject matter: claims 1-14 are allowable over the prior art of record because an update of a search previously made does not detect the combined claimed elements as set forth in the claims 1-14. As to claims 1-12, claims are allowable over the prior art of record because none of the prior art of record teaches or fairly suggests a computer system and computer program storage product for backing up a program and a plurality of user instances of the program, the system or program storage product comprises means for backing up definition of queues used by the plurality of user instances of the program; means for backing up authorization for the queues; means for backing up a plurality of program instance configuration files for the plurality of program instances, respectively; and means for backing up a configuration file for the program as described in the specification and together with combination of other claimed element as set forth in the claims. As to claims 13-14, claims are allowable over the prior art of record because none of the prior art of record teaches or fairly suggests a method for backing up a user instance of a program which instance has locked a queue definition file containing definitions of queues and authorizations for accessing the queues, and which has not locked a configuration file identifying the instance, the method comprising the

steps of: a backup program querying the instance for the definitions of the queues and the authorizations for the queues such that the instance retains the lock on the queue definition file, and in response, the user program reading the definitions and authorizations from the queue definition file and furnishing them to the backup program; and the backup program directly reading the configuration file without querying the user program for the configuration file and without locking the configuration file as described in the specification and together with combination of other claimed element as set forth in the claims. Therefore, claims 1-14 are allowable over the prior art of records.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons For Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

Art Unit: 2185

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

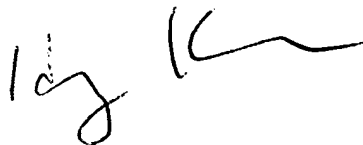
8. **Any response to this action should be mailed to:**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to TC-2100:**  
(703) 872-9306

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

H Kim  
Primary Patent Examiner  
July 14, 2006

A handwritten signature in black ink, appearing to be 'H Kim', written over a horizontal line.